IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Bail Appl..No. 5984 of 2007(N)

CMP./2007 of J.M.F.C., HARIPAD
[CRIME NO.131/2007 OF THRIKUNNA PUZHA POLICE STATION]

.....

: PETITIONER/ACCUSED NO.2

NANDANAN,
MADHAVAN CHIRA, KIZHAKKETHIL,
MAHADEVI KADU, KARTHIKAPPALLI.

BY ADV. SRI.M.T.SURESHKUMAR
SRI.V.V.RAJA

RESPONDENTS: STATE

STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5984 of 2007

Dated this the 4th day of October 2007

O R D E R

Application for anticipatory bail. The petitioner is the second accused. He is the father-in-law of the first accused. The son of the petitioner is employed abroad. The son, along with the first accused - his wife, resides at his place of employment abroad. The crux of the allegations is that employment abroad was promised for the de facto complainant. Rs.1,50,000/- was paid to secure such employment. The petitioner's son and daughter-in-law allegedly took the de facto complainant to their place of employment abroad. They, admittedly, made attempts to secure employment for the de facto complainant. Though they had promised initially that job visa shall be made available as soon as the de facto complainant reaches his place of employment abroad, such job visa was not made available. As the efforts to secure employment abroad did not succeed, the de facto complainant was sent back to India by the petitioner's son and daughter-in-law. The petitioner allegedly had made representations, allegedly had collected amounts and had allegedly promised that the de facto complainant will get employment abroad.

2. The crime was registered on the basis of a private complaint filed before the learned Magistrate and referred by the

learned Magistrate to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He has also been arrayed as an accused as he is the person locally available and exertion of pressure on whom the de facto complainant hopes can persuade the petitioner's son and daughter-in-law to settle the dispute. It is, in these circumstances, prayed that anticipatory bail may be granted to the petitioner.

3. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor only submits that appropriate conditions may be imposed in the interests of a fair, efficient and expeditious investigation.

4. Having considered all the relevant inputs to which I have briefly referred above, I am satisfied that anticipatory bail can be granted to the petitioner subject of course to appropriate conditions:

5. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 10/10/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only)

with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 11/10/2007 and 12/10/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months and subsequently as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 10/10/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 10/10/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007